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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/633,808
Filing Date	08/04/2003
First Named Inventor	Alexander V. Sokoloff
Art Unit	1653
Examiner Name	Desai, Anand U.
Total Number of Pages in This Submission: 3	Attorney Docket Number: Mirus.014.04.1

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☑ Amendment/Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ After Allowance communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Other Enclosure(s) (please identify below):

Remarks

Reply to Restriction Requirement

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Mark K. Johnson
Signature	
Date	02/01/2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	**10/663,808**	Confirmation No. 8504
Applicants	:	**Alexander V. Sokoloff, et al.**	
Filed	:	**08/04/2003**	
Art Unit	:	**1653**	
Examiner	:	**Desai, Anand U.**	
Docket No.	:	**Mirus.014.04.1**	

Title: **Compounds for Targeting Hepatocytes**

Commissioner of Patents
PO Box 1450
Alexandria, VA 2231-1450

ELECTION TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

Dear Sir:

This letter responds to the Restriction Requirement dated January 26, 2005.

Applicants elect group 1 with traverse. The action states that a T7 ligand attached to a compound though a covalent bond is patentably distinct from a T7 ligand attached to a compound through a non-covalent bond. Applicants respectfully disagree. Applicants have developed a composition and method for delivering compounds to hepatocytes. In order for any ligand to direct a compound to a specific site, the ligand must be linked to the compound. The only two methods available for linking a ligand to a compound are covalent bonds and non-covalent interactions (page 3 lines 1-7). Both methods are well known in the art. Pierce Biotechnology, Inc. (Rockford, IL), for example sells a number of crosslinking reagents for linking two molecules together via both covalent and non-covalent bonds.

Applicants elect the species "complex" for prosecution at this time with traverse. It is the Applicants' opinion that the elected species are obvious variants of one another. Various complexes are well known in the art for delivering drugs, such as interferon, and polynucleotides to cells. These complexes include liposomes, polyplexes, and lipopolyplexes. Applicants have defined an RNA function inhibitor as a nucleic acid or nucleic acid analog (a polynucleotide) on page 17 lines 29-32. Therefore an RNA function inhibitor is an obvious variant of polynucleotide.

Applicants elect the species T7 p17 derived peptide for prosecution at this time with traverse. It is the Applicants opinion that SEQ ID NO: 1, T7 phage, T7 p17 protein, and T7 p17 derived peptide are obvious variants of one another. The T7 targeting ligand is defined in the specification as comprising a segment of the p17 protein of T7 phage that is shown to target T7 phage and other compounds to which it is attached to hepatocytes in vivo (page 2 lines 10-17 and page 8 lines 9-19). SEQ ID NO: 1 consists of a sequence from the T7 phage p17 protein and is therefore a T7 p17 derived peptide. T7 phage p17 protein is a component of the bacteriophage T7 (page 2 lines 10-17 and page 8 lines 9-19). Also, Applicants have not claimed that the T7 ligand consists of a thiol, biotin, or streptavidin. Applicants have claimed that the T7 ligand can contain a functional group, such as for attachment to a compound (page 2 lines 30-32 and page 3 lines 18-29), and that the function group can be a thiol, biotin, or streptavidin. T7 ligand-cysteine-PDP-biotin represents the linking of the functional group biotin to the T7 ligand through a thiol (cysteine) using the known crosslinker PDP. T7 ligand-PEG-biotin represents the linking of the functional group biotin to a T7 ligand through a PEG spacer.

Respectfully submitted,

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 2/1/2005.

Kirk Ekena